HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 4010 OF 2006

DATED: 3.3.2006

Between:

Divya Teja Educational Society

… Petitioner

and

The Managing Director,

Syndicate Bank, Manipal,

Karnataka State and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.4010 OF 2006

ORAL ORDER:

_

The substantive grievance in this writ petition is that the Syndicate Bank, Somajiguda and Golconda branches are not releasing the S.B. Accounts and Vikas Cash Certificate along with interest thereon, to the petitioner and it's institutions.

According to the petitioner-Educational Society, it is administering several educational institutions under the brand name "Bapuji". It has deposited certain amounts in specified accounts in the branches of the respondent-Bank. There is some vague statement in the pleadings which points to certain orders of seizure of the accounts by the Anti Corruption Bureau, Hyderabad. In paragraph (5) of the writ petition, the petitioner states to have approached the ACB and learnt that the 3rd respondent had freezed the S.B. Accounts of the petitioner-institutions on the instructions of the ACB. Similar is the petitioner's grievance with regard to the respondents declining the release of the amounts pertaining to Vikas Cash Certificate of the petitioner.

The petitioner contends that the respondents ought not to have acted as per the diktat of the ACB and they should have released the amounts in its favour.

If the petitioner is aggrieved as to any deficiency in service by the respondent-Bank, the petitioner may pursue remedies before the appropriate consumer forum. If the petitioner's grievance is that the respondent-Bank has violated any contractual obligations, the appropriate remedy is before a civil court of competent jurisdiction. There is also the remedy before the Banking Ombudsman. The petitioner has however chosen to seek remedies, under Article 226 of the Constitution of India.

In the considered view of this court, the petitioner should pursue the available alternative remedies.

On the analysis above, the writ petition is dismissed with liberty to the petitioner to pursue appropriate alternative remedies. No order as to costs.

GODA RAGHURAM, J

Date: 3.3.2006

cvm